

**Division of Environmental Health
Solid Waste Program
410 Willoughby Avenue, Suite 303
Juneau, Alaska 99801-1795
<http://www.state.ak.us/dec/deh>**

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**CERTIFIED MAIL
Return Receipt Requested:**

July 13, 2001

Ron Berg, Vice President
Wasser & Winters Company
PO Box 396
Longview, Washington 98632

RE: Icy Bay West Wood Waste Disposal Permit 0111-BA000

The Department of Environmental Conservation has completed its evaluation of your request dated November 8, 2000 to expand the existing wood waste site to include 5.6 acres north. This project is located at 1.7 Mile Yakataga Haul Road, Icy Bay Alaska, Section 30, Township 22 South, Range 23 East, Copper River Meridian. This permit allows for disposal of approximately 300 cubic yards per month of mud, rocks, and small wood wastes measuring less than one cubic foot in size at a 6.7 acre site. The Department is issuing the permit number 0111-BA000 in accordance with AS 46, 18 AAC 15, and 18 AAC 60. Please review the conditions and stipulations in the permit modification and ensure all persons conducting waste disposal operations understand them. This permit is effective upon issuance and expires **July 13, 2006**.

Any person who disagrees with these decisions may appeal the issuance of this permit by requesting an adjudicatory hearing, using the procedures contained in 18 AAC 15.200-310. Hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 555 Cordova Street, Anchorage, Alaska 99501, within 30 days of receipt of this letter. If a hearing is not requested within 30 days, the right to appeal is waived and the decision becomes final.

Sincerely,

Heather T. Stockard
Solid Waste Program Manager

cc: Jim Cariello, ADF&G
Ron Schonenbach, DNR
Lorraine Marshall, DGC
Mr. Paul Wescott, City and Borough of Yakutat
Peter Freer, DCED, Juneau
Judith Bittiner, Office of History and Archeology, Anchorage
Bill Lamoreaux, Geoengineers, Anchorage

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH
410 WILLOUGHBY AVENUE, SUITE 303
JUNEAU, ALASKA 99801

WOOD WASTE DISPOSAL

WASSER & WINTERS
ICY BAY, ALASKA

PERMIT #0111-BA000

DATE ISSUED: July 13, 2001

This Solid Waste Disposal Permit is issued to the Wasser & Winters Company, PO Box 396, Longview, Washington 98632 for the disposal of 300 cubic yards per month of small sized wood waste measuring less than 1 cubic foot in size. This disposal site is a 6.7 acre site located at about 1.7 Yakataga Haul Road, Section 30, T.22S., R.23E., CRM, near Icy Bay, Alaska. This permit is subject to the conditions and stipulations contained in the following permit.

This permit is issued under the provisions of Alaska Statute 46.03 and the Alaska Administrative Code, as amended or revised, and other applicable state laws and regulations.

Disposal of waste other than that specified in this permit is prohibited and is considered a violation of Alaska Administrative Code. Other types of waste disposal may be requested by the permittee, but must be authorized by approval, permit modification or a permit amendment.

Groundwater monitoring as required by 18 AAC 60.820 - 18 AAC 60.860 is suspended for this landfill. The solid waste program believes an acceptable demonstration was made that there is no practical potential for migration of a hazardous constituent from the landfill to an aquifer of resource value during the active life of the landfill and post-closure care phase.

The operation of your facility has been found to be consistent with the Alaska Coastal Management Program regulations. This permit is effective upon issuance and expires **July 13, 2006**. It may be terminated or modified in accordance with AS 46.03.120.

Heather T. Stockard
Solid Waste Program Manager

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Permit Conditions

1. Application Compliance

- A. This permit is based on application materials dated November 17, 2000 and subsequent submittals dated May 18, 2001, April 18, 2001, and April 3, 2001. Future modifications to the plan must be authorized by a permit amendment, before that modification is effective.
- B. Upon any change in land ownership, the permittee shall submit a copy of the deed or another legal document that identifies the landowner and:
 - 1) a copy of any lease agreement that is clearly relevant to the waste disposal activity; or
 - 2) a written statement signed by the landowner, showing that the landowner consents to the proposed activity.
- C. No construction or placement of wastes shall commence on the 5.6 acre expansion directly North of the current disposal site, until the City and Borough of Yakutat has issued an approved Conditional Use Permit for this project.

2. Site Development and Operations

The permit holder shall:

- A. construct the landfill expansion according to the plans in the permit application.
- B. dispose only mud, rock, bark, and small wood wastes measuring less than one cubic foot in size.
- C. manage the facility to prevent spontaneous combustion hazard.
- D. control leachate and any surface water run-off from the site and ensure that it does not cause a violation of 18 AAC 70 water quality regulations.
- E. begin surface water monitoring and take immediate corrective action to maintain water quality standard in off site waters if leachate and/or runoff exceeds water quality standards and are observed to migrate beyond the facility boundary at any time during the operation of the facility or during the post-closure period. A report of corrective action taken shall be submitted to the Department. The fill shall undergo closure if water quality standard cannot be met beyond the facility boundary.
- F. divert all surface run-on water from the disposal facility.
- G. ensure waste is deposited only in approved locations according to plan submitted November 17, 2000.
- H. ensure that solid wastes are not placed in water.
- I. ensure that solid waste is not washed away from the facility.

- J. grade the woodwastes so the top and slopes of the fill are compacted and stabilized at no greater than a 3(H):1(V) slope in order to prevent sloughing and erosion.
- K. grade the facility so that water will run off rather than pool and sink into the fill.
- L. not exceed a total depth of 22 feet of waste in the facility.
- M. cover the facility with a layer of compacted dirt or rock at least 6 inches in depth at the end of each operational season.
- N. provide closure cover and grade to a 5% to 25% slope when woodwastes in a part of the facility reach final elevation.
- O. close the facility according to the closure plan in the application submitted November 17, 2000 and in section 9 of Permit Conditions in this permit when the woodwastes reach the final elevation.

3. Prohibitions and Special Restrictions

The permit holder shall:

- A. prohibit the disposal of municipal solid waste, radioactive material, explosives, oil, solvents, strong acids, pathogenic waste, and other waste defined as hazardous under 18 AAC 60.020 and 40 CFR Part 261 at the facility.

Monitoring and Corrective Action

1. Visual, Surface Water and General Monitoring and Reporting Requirements

The permit holder shall:

- A. ensure that at least one person who is familiar with the requirements of this permit, permit application, and with the applicable requirements of the state solid waste management regulations (18 AAC 60), conducts a visual inspection of the facility at least once per month. Any violations found during those inspections shall be reported to the permittee and the department, and appropriate corrective action taken. At a minimum, visual monitoring shall include:
 - 1. signs of damage or potential damage to any component of the facility from settlement, ponding, leakage, erosion, frost action;
 - 2. violations of water quality standards, permit conditions and referenced permit application;
 - 3. escape of waste or leachate;
 - 4. damage to structural integrity of a containment structure, retaining wall, erosion control, or diversion structure;
 - 5. fire or combustion in the waste;
 - 6. evidence of death or stress to fish, wildlife, or vegetation that might be caused by the facility.

- B. maintain a written record of all visual monitoring inspections and any corrective actions taken, and make those records available to the department upon request.

2. Surface Water Monitoring Program

- A. Landfill associated water shall be sampled at the hydraulically downgradient part of the facility at the facility boundary should visual monitoring indicate release of leachate or other contaminants. The sampling shall include a suite of tests which will include estimated flow and weather data at the time and on the day preceding the flow estimation, dissolved oxygen, temperature, conductivity, turbidity and pH. The results shall be immediately reported to the department. The department will assign a sampling schedule depending upon the outcome of the results.
- B. Test procedures for the analyses of pollutants shall conform to methods cited in 18 AAC 70.020 (c), or as such regulations may be amended. The permittee may substitute other methods of monitoring or analyses only upon receipt of prior written approval from the Department.

3. General Monitoring Requirements

- A. The Department will decrease or increase the visual monitoring or sampling frequency or parameters depending upon the results of analysis or change in operation.
- B. All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instruments, and recordings from continuous monitoring instrumentation, shall be retained in Alaska for observation by the department for three years after expiration of the permit. Upon request from the department, the permittee shall submit certified copies of such records.
- C. If a change in water quality is detected based on the criteria established in the monitoring plan the permittee shall:
 - 1. determine the extent of contamination;
 - 2. determine if migration of waste or leachate from the facility is the cause of the change in water quality;
 - 3. estimate the potential for a violation of the water quality standards;
 - 4. take corrective actions to prevent a violation of the water quality standards; and
 - 5. notify the department within seven days after detecting a violation of the applicable water quality standards.

4. Post Closure-Care Monitoring

- A. The permittee shall perform visual monitoring once per year for at least 5 years after the completion of closure. Visual monitoring should monitor for settlement, ponding, erosion, adequacy of cover, cover grades, run-on diversion, run-off control and water quality in the off-site receiving environment. At the end of the period the owner or operator shall submit a report to the department that describes site conditions and summarizes the information collected during post-closure.

Site Closure and Post-Closure Care

1. Closure Requirements

The permit holder shall:

- A. ensure that closure activities are conducted in accordance with the closure plan in the permit application dated November 17, 2000 or as otherwise specified in this permit.
- B. notify the Department's Juneau office at least thirty days before the site is to be permanently closed.
- C. ensure that placement of a final cover is in compliance with 18 AAC 60.245 for prompt closure. Complete closure activities within 180 days after beginning closure or on a schedule otherwise approved by the Department.
- D. develop and implement a vegetative cover for completed areas within the first growing season using short rooted native grass species.
- E. prepare and submit to the Department, upon closure of the facility, a survey as-built or record drawings which show the location, types, and volume of waste deposited at the facility. A copy will be provided to any purchaser or transferee at the time of property sale or lease.
- F. file the survey as-built or record drawings of the area used as a landfill with the appropriate land records office within 60 days after the entire facility has been permanently closed to land filling, and submit proof of such recording to this Department.
- G. record a notation on the deed to the property notifying subsequent landowners that the land has been used as a monofill, the type of waste that has been buried on the property, the geographic boundaries of the unit and details of the final cover, cap or other structures installed as part of the closure.

2. Post-Closure Care

- A. If post-closure monitoring indicates a structural change in or damage to the facility, or if a violation of a permit condition is observed, the owner or operator shall take action to correct the change, damage, or violation, to prevent the escape of waste or leachate, and to clean up waste that was disposed of in an unauthorized manner.

General Permit Conditions

1. ACCESS AND INSPECTION

The permittee shall allow the Commissioner or his/her representative access to the permitted facilities at reasonable times to conduct scheduled or unscheduled inspections or tests to determine compliance with this permit, State laws, and regulations.

2. INFORMATION ACCESS

Except for information relating to trade secrets, submitted under a claim of confidentiality, and for which the Department has determined in writing that protection from disclosure is appropriate, all records and reports submitted in accordance with the terms of this permit shall be available for public inspection at the State of Alaska Department of Environmental Conservation, Fairbanks Office, 610 University Avenue, Fairbanks, Alaska 99709-3643.

3. CIVIL AND CRIMINAL LIABILITY

Nothing in this permit shall relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, including, but not limited to, accidents, equipment breakdowns, or labor disputes.

4. AVAILABILITY

The permittee shall post or maintain a copy of this permit available to the public at the disposal facility.

5. ADVERSE IMPACT

The permittee shall take all necessary means to minimize any adverse impacts to the receiving waters or lands resulting from noncompliance with any limitation specified in this permit, including any additional monitoring needed to determine the nature and impact of the non-complying activity. The permittee shall cleanup and restore all areas adversely impacted by the noncompliance.

6. CULTURAL OR PALEONTOLOGICAL RESOURCES

Should cultural or paleontological resources be discovered as a result of this activity, work which would disturb such resources is to be stopped, and the State Historic Preservation Office, Division of Parks and Outdoor Recreation, Department of Natural Resources, is to be notified immediately (907-269-8721).

7. APPLICATIONS FOR RENEWAL

Applications for renewal or amendment of this permit must be made no later than 30 days before the expiration date of the permit or the planned effective date of the amendment.

8. OTHER LEGAL OBLIGATIONS

The requirements, duties, and obligations set forth in this permit are in addition to any requirements, duties, or obligations contained in any permit that the Alaska Department of Environmental Conservation or the U.S. Environmental Protection Agency has issued or may issue to the permittee. This permit does not relieve the permittee from the duty to obtain any and all necessary permits and to comply with the requirements contained in any such permit or with applicable state and federal laws and regulations. All activities conducted by the permittee pursuant to the terms of this permit and all plans implemented by the permittee pursuant to the terms of this permit shall comply with all applicable state and federal laws and regulations.

9. POLLUTION PREVENTION

In order to prevent and minimize present and future pollution, when making management decisions that affect waste generation, the permittee shall consider the following order of priority options: waste source reduction; recycling of waste; waste treatment; and waste disposal.